



PATENTS  
15311-2310  
200301967-2

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JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:  
Andrej Kocev et al.

Serial No.: 09/944,776

Filed: August 31, 2001

For: PROGRAMMABLE TUNING FOR  
FLOW CONTROL AND SUPPORT  
FOR CPU HOT PLUG

Examiner: Pham, Thomas K.

Art Unit: 2121

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
December 27, 2006

**CERTIFICATE OF MAILING**

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 27, 2006.

  
Cristina Corvo

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY BRIEF**

In response to the Supplemental Examiner's Answer mailed October 30, 2006,  
Applicants hereby submit this Reply Brief.

Based on Applicants' review, the Supplemental Examiner's Answer is the same as the Examiner's Answer mailed March 24, 2006. Accordingly, the contents of this Reply Brief, are the same as Applicants' Reply Brief mailed May 19, 2006.

### ARGUMENT

The Examiner's Answer includes several new grounds of rejection at pp. 16-20, which is the section of the Answer responding to the arguments raised in the Applicants' Appeal Brief. Specifically, the Examiner's Answer cites to new portions of the art of record. This Reply Brief responds to these new excerpts from the art of record.

#### Independent Claim 13

At p. 17, the Examiner's Answer presents new grounds of rejection for claim 13. Specifically, the Examiner contends that U.S. Patent No. 6,119,185 to Westerinen et al. ("Westerinen") at Col. 8, lines 38-51 teaches Applicants' claimed "with respect to the number of devices at the ports, assigning resources to the ports". Applicants respectfully disagree.

This excerpt of Westerinen, which is quoted in the Examiner's Answer, teaches that, where two computer resources are dependent upon each other, such as an interrupt queue and a memory address range, then during the process of assigning such resources to the devices of a computer the two inter-dependent resources should both be assigned at the same time. Otherwise, if only one resource is assigned, then according to Westerinen the second resource may for all practical purposes be rendered unavailable, and thus wasted.

Claim 13, in contrast, recites assigning resources to the ports **with regard to the number of devices at those ports**. Nothing in the newly cited excerpt from Westerinen teaches or suggests this limitation. For example, there is no mention by Westerinen for assigning resources as a function of the number of devices at the ports. Instead, the excerpt from Westerinen is focused solely on the particular resources being assigned, and the fact that two of the resources being assigned are dependent upon each other.

Accordingly, Applicants respectfully submit that claim 13 is distinguishable over the art of record, including the newly cited excerpt from Westerinen.

Dependent Claims 14, 16 and 31

At p. 18, the Examiner's Answer presents new grounds of rejection for claims 14, 16 and 31. Specifically, the Examiner's Answer cites to U.S. Patent No. 6,219,734 to Wallach et al. ("Wallach") at Col. 9, lines 13-26 as purportedly teaching Applicants' claimed assigning control registers to the ports. Applicants respectfully disagree.

This excerpt from Wallach is quoted in the Examiner's Answer. As shown, the excerpt states that Wallach's "configuration manager 500 also allocates resources for every managed adapter and **initializes each managed adapter's registers** during a hot swap operation." (emphasis added) That is, the excerpt teaches that the configuration manager 500 loads data values into the already existing registers at the adapters. The values loaded into these existing registers, moreover, cause certain actions to be carried out by the adapter, or indicate the status of the adapter. See Col. 9, lines 22-25 ("The registers of an adapter 310 are components or intermediate memories whose values issues (sic) a certain action in the adapter, or whose values indicate the status of the adapter.")

In contrast, claims 14, 16 and 31 each recite **assigning** control registers to the ports. Nothing in the newly cited excerpt from Wallach teaches or suggests that registers can be assigned to adapters. Instead, the excerpt notes that the data values contained in already existing registers can be modified to cause certain actions to be performed or to change the status of the adapters. Accordingly, Applicants submit that claims 14, 16 and 31 are distinguishable from the art of record, including the newly cited excerpt from Wallach.

Independent Claim 32

At p. 20, the Examiner's Answer presents a new ground of rejection for claim 32. Specifically, the Examiner's Answer cites to Westerinen at Col. 10, line 65 to Col. 11, line 11 as purportedly teaching Applicants' claimed "programmable logic configured and arranged to assign the resources among the I/O ports in response to the number of I/O devices with which the I/O ports are communicating." Applicants respectfully disagree.

This excerpt from Westerinen, which is quoted in the Examiner's Answer, describes a process for assigning memory to requesting devices of a computer system. According to Westerinen's process, those devices requesting memory are organized into a list, and investigated individually. Specifically, a given device is investigated for a setting conflict, and a determination is made whether any ranked memory settings are available. If so, the device is assigned the highest ranking memory setting then available.

As shown, this newly cited excerpt from Westerinen provides no teaching or suggestion for the assigning of resources among I/O ports based on the number of I/O devices with which the I/O ports are communicating. Indeed, there is no mention at all in

this excerpt about determining or considering the number of I/O devices that a given I/O port is communicating with. Accordingly, Applicants submit that claim 32 is distinguishable from the art of record, including the newly cited excerpt from Westerinen.

CONCLUSION

Applicants respectfully submit that the claims are allowable over the art of record. Accordingly, Applicants request that the rejection of all claims be reversed.

Respectfully submitted,



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Sir:

**TRANSMITTAL OF REPLY BRIEF**

Transmitted herewith is the Reply Brief in triplicate with respect to the Supplemental Examiner's Answer mailed October 30, 2006.

This Reply Brief is being filed pursuant to 37 C.F.R. §1.193(b) within two months of the date of the Supplemental Examiner's Answer.

No fee is required for the filing of this Reply Brief.

If any fees are required, please charge Deposit Account 08-2025.

Respectfully submitted,



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